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Applicant(s): Klaus Kursawe	CH920000068US1 / I45-0004

Application No.	Filing Date	Examiner	Group Art Unit
09/683,972	March 7, 2002	J. Alpert	3693

Invention: **METHOD FOR CREDIT CARD NOTIFICATION**

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P18/REV02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT:	KLAUS KURSAWE	)
		) Before the
		) Board of
SERIAL NUMBER:	09/683,972	) Appeals
		)
FILED:	March 7, 2002	)
		) Appeal No.
FOR:	METHOD FOR CREDIT CARD	)
	NOTIFICATION	)
		)

Commissioner for Patents
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AMENDED APPEAL BRIEF

This Amended Appeal Brief is submitted in response to a Final Office Action mailed on March 9, 2006 and a Notice of Non-Compliant Appeal Brief dated September 19, 2006.

THE REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines, Inc. Ownership by International Business Machines, Inc. is established by assignment document recorded for this application on May 2, 2002 on Reel 012879, Frame 0181.

RELATED APPEALS AND INTERFERENCES

Appellant knows of no related patent applications or patents under appeal or interference proceeding.

STATUS OF CLAIMS

Claims 3 and 8 have been cancelled. Claims 1, 2, 4-7 and 9-20 stand rejected. The rejections of claims 1, 2, 4-7 and 9-20 are herein appealed.

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<u>STATUS OF AMENDMENTS</u>

There have been no amendments filed subsequent to receipt of the final office action.

<u>SUMMARY OF CLAIMED SUBJECT MATTER</u>

A concise explanation of the subject matter defined in each of the independent claims 1, 11, 12, and 13 involved in the appeal is provided below:

<u>**Claim 1**</u>

Claim 1 recites "[a] method of providing information (Z) indicative of an account status to an account holder via a device connected to a network" (account relevant information Z provided to account holder 1 via device 2 over network 4 described in FIGs. 3a-3c).

The method comprising "comparing an actual value (a) with a preset parameter at an account server" (FIGs. 2 and 3a-3c describe the use of comparator 12 for comparing the actual value (a) with a preset parameter X,Y at an account server 10), "the preset parameter defined by the account holder" (paragraph [0014] states "parameter can be set by the account holder" via an entry device 5 described in paragraph [0019] and FIG. 1).

The method also comprising "deriving the information (Z) in response to a transaction (n) that influences the actual value (a)" (FIGs. 2 and 3a-3c; paragraph [0020] states the account server 10 derives "account relevant information which is used to inform the account holder 1"; the transaction relating to credit card usage at a shop 7 using a credit card 5 as described in paragraph [0020]; paragraphs [0021-0023] describe deriving information (Z) in response to a transaction (n)), "the transaction (n) occurring between an account user and a purchasing entity" (paragraph [0020] describes an account user, i.e., credit card user 3, "purchasing some goods at a shop 7"; and paragraphs [0021-0023]; FIGs. 3a-3c).

The method further comprising "providing the information (Z) to the account holder through the device, the device associated with the account holder" (FIGs. 3a-3c and paragraphs [0021-0023] describe providing information (Z) to account holder 1 via device 2).

The method further comprising "wherein the information (Z) includes an account

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balance" (paragraph [0021]).

Claim 11

Claim 11 recites "[a] storage medium encoded with machine-readable program code for performing a method of providing information (Z) indicative of an account status to an account holder via a device connected to a network, the program code including instructions for causing a computer to implement a method" (paragraphs [0024-0025]; account relevant information Z provided to account holder 1 via device 2 over network 4 described in FIGs. 3a-3c).

The method comprising "comparing an actual value (a) with a preset parameter at an account server" (FIGs. 2 and 3a-3c describe the use of comparator 12 for comparing the actual value (a) with a preset parameter X,Y at an account server 10), "the preset parameter defined by the account holder" (paragraph [0014] states "parameter can be set by the account holder" via an entry device 5 described in paragraph [0019] and FIG. 1).

The method also comprising "deriving information (Z) in response to a transaction (n) that influences the actual value (a)" (FIGs. 2 and 3a-3c; paragraph [0020] states the account server 10 derives "account relevant information which is used to inform the account holder 1"; the transaction relating to credit card usage at a shop 7 using a credit card 5 as described in paragraph [0020]; paragraphs [0021-0023] describe deriving information (Z) in response to a transaction (n)), "the transaction (n) occurring between an account user and a purchasing entity" (paragraph [0020] describes an account user, i.e., credit card user 3, "purchasing some goods at a shop 7"; and paragraphs [0021-0023]; FIGs. 3a-3c).

The method further comprising "providing the information (Z) to the account holder through the device, the device associated with the account holder" (FIGs. 3a-3c and paragraphs [0021-0023] describe providing information (Z) to account holder 1 via device 2).

The method further comprising "wherein the information (Z) includes an account balance of the account holder" (paragraph [0021]).

Claim 12

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Claim 12 recites "[a] computer program product comprising program code means stored on a computer readable medium for performing an operation when said program product is run on a computer" (paragraphs [0024-0025]; account relevant information Z provided to account holder 1 via device 2 over network 4 described in FIGs. 3a-3c).

The program code means comprising "a comparator at an account server, the comparator operable for comparing an actual value (a) with a preset parameter" (comparator 12 described in paragraphs [0021-0023]; FIGs. 3a-3c; FIGs. 2 and 3a-3c describe the use of comparator 12 for comparing the actual value (a) with a preset parameter X,Y at an account server 10), "the preset parameter defined by the account holder" (paragraph [0014] states "parameter can be set by the account holder" via an entry device 5 described in paragraph [0019] and FIG. 1).

The program code means also comprising "an initiator for deriving information (Z) in response to a transaction (n) that influences the actual value (a)" (FIGs. 3a-3c illustrate an initiator 14 at an account server 10; FIGs. 2 and 3a-3c; paragraph [0020] states the account server 10 derives "account relevant information which is used to inform the account holder 1"; the transaction relating to credit card usage at a shop 7 using a credit card 5 as described in paragraph [0020]; paragraphs [0021-0023] describe deriving information (Z) in response to a transaction (n)), "the transaction (n) occurring between an account holder and a purchasing entity" (paragraph [0020] describes an account user, i.e., credit card user 3, "purchasing some goods at a shop 7"; and paragraphs [0021-0023]; FIGs. 3a-3c).

The program code means further comprising "an information output indicating the information (Z) to the account holder, information output associated with the account holder" (information output 8 of device 2 described in FIGs. 3a-3c and paragraphs [0021-0023]; providing information (Z) to account holder 1 via device 2 described in paragraphs [0021-0023]).

The program code means further comprising "wherein the information (Z) includes an account balance of the account holder" (paragraph [0021]).

Claim 13

Claim 13 recites "[a] system of providing information (Z) indicative of an account status to an account holder via a device connected to a network" (FIGs. 1-3 illustrate a system where FIG. 1 describes establishing account information, or parameters X, Y stored in system, and account relevant information Z is provided to account holder 1 via device 2 over network 4 as described in FIGs. 3a-3c).

The system comprising "a comparator at an account server, the comparator operable for comparing an actual value (a)" (comparator 12 described in paragraphs [0021-0023]; FIGs. 3a-3c; FIGs. 2 and 3a-3c describe the use of comparator 12 for comparing the actual value (a) with a preset parameter X,Y at an account server 10), "the preset parameter defined by the account holder" (paragraph [0014] states "parameter can be set by the account holder" via an entry device 5 described in paragraph [0019] and FIG. 1).

The system also comprising "an initiator for deriving the information (Z) in response to a transaction (n) that influences the actual value (a)" (FIGs. 3a-3c illustrate an initiator 14 at an account server 10; FIGs. 2 and 3a-3c; paragraph [0020] states the account server 10 derives "account relevant information which is used to inform the account holder 1"; the transaction relating to credit card usage at a shop 7 using a credit card 5 as described in paragraph [0020]; paragraphs [0021-0023] describe deriving information (Z) in response to a transaction (n)), "the transaction (n) occurring between an account holder and a purchasing entity" (paragraph [0020] describes an account user, i.e., credit card user 3, "purchasing some goods at a shop 7"; and paragraphs [0021-0023]; FIGs. 3a-3c).

The system further comprising "an information output indicating the information (Z) to the account holder, the information output associated with the account holder" (information output 8 of device 2 described in FIGs. 3a-3c and paragraphs [0021-0023]; providing information (Z) to account holder 1 via device 2 described in paragraphs [0021-0023]).

The system further comprising "wherein the information (Z) includes an account balance of the account holder" (paragraph [0021]).

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The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 4-7 and 9-20 have been rejected as being allegedly unpatentable over Joao et al. in view of Camacho et al. in further view of Stoutenberg et al. The rejections of claims 1, 2, 4-7 and 9-20 as being allegedly unpatentable over Joao et al. in view of Camacho et al. in further view of Stoutenberg et al. are herein appealed.

ARGUMENT

Claims 1, 2, 4-7 and 9-20 have been rejected as being allegedly unpatentable over Joao et al. in view of Camacho et al. in further view of Stoutenberg et al.

The Examiner states with respect to 1, 11, 12, and 13 that Camacho et al. teaches "comparing an actual value (a) with a preset parameter at an account server, the preset parameter defined by the account holder" citing page 4, paragraph 42. The Examiner then states that Joao et al. teaches "deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity", citing column 5, lines 40-51. The Examiner states that Joao et al. further teaches "providing the information (Z) to the account holder through the device, the device associated with the account holder", citing column 6, lines 4-32 in support.

The Appellant submits that the Examiner has erred in the rejections of claims 1, 11, 12 and 13 because the combination of Joao et al. and Camacho et al. would not result in the first three features recited in Appellant's claims 1, 11, 12, and 13 as suggested by the Examiner.

Camacho et al. discloses a system and method for reducing online fraud using personal digital identification (PDI) such as biometrics (Abstract). The PDI system 100 disclosed in Camacho et al. provides "Manager" components 208-216 that process requests from consumer clients (e.g., consumer client 102a shown in FIG. 2) related to a transaction (paragraph [0042]). Business rules of the PDI system 100 seek to meet *security requirements*

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through business rules based upon company needs, e.g., "business rules can include lists of sites that are marked as always requiring authentication regardless of historical profile, which sites have been identified as having been associated with fraud in the past" (paragraph [0030]).

It appears that the Examiner is suggesting that such rules correspond to the parameters defined by an account holder as recited in Appellant's claims 1, 11, 12, and 13. The relevant portions of Camacho et al. relied upon by the Examiner state that a purchase request is "first processed to ensure that business-filtering rules are applied to the transaction by way of the Filter Manager 208. This filtering process quickly *identifies those transactions that warrant further authentication*, or which may be immediately rejected by the system. After the request is evaluated, the transaction is processed by the Identity Manager 210 [which] ensures that the required information is available to the PDI system 100 to *properly identify the consumer* and ensure that registration information is available. After the Identity Manager 210 retrieves the consumer context, the Transaction Rules Manager 212 then processes the request. For example, the Transaction rules Manager 212 processes the request against company level (i.e. business) rules to *determine if authentication is required* and, if so, what type should be requested of the consumer" (emphasis added). Thus, the only actual value (a) and parameters disclosed here in Camacho et al. relate directly to *authentication of the requesting party*.

With respect to the second feature of claims 1, 11, 12, and 13, the Examiner states that Joao et al. teaches "deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity", citing column 5, lines 40-51.

Column 5, lines 40-51 and column 6, lines 18-24 of Joao et al. teach that the information (Z) refers to "information and/or data *identifying the transaction* and may include the name of the store or the service provider and the amount of the transaction. The information and or data may also provide the time of the transaction, the location...of the transaction" (column 6, lines 18-24). Thus, if the actual value (a) and parameter as taught by Camacho et al. refer to authentication processes, then the Appellant submits that the combination of Camacho et al. and Joao et al., as applied to the Appellant's claims 1, 11, 12, and 13, would result in *deriving purchase transaction information (information (Z) as taught by Joao et al.) in response to a transaction (n) that influences a consumer's*

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authentication information (actual value (a) as taught by Camacho et al.). Thus, the combination of Camacho et al. and Joao et al. would not result in the Appellant's claims 1, 11, 12, and 13 as indicated by the Examiner. Accordingly, because neither Camacho et al. nor Joao et al., alone or in combination, teach or make obvious the features recited in Appellant's claims 1, 11, 12, and 13, the Appellant submits that the introduction of Stoutenberg et al. as allegedly teaching "the information (Z) includes an account balance" would not cure the aforementioned deficiencies. For at least these reasons, claims 1, 11, 12, and 13 patentably define over Joao et al. in view of Camacho et al. and further in view of Stoutenberg et al.

Claims 2, 4-7, 9, 10, and 14-20 should be patentable as depending from what should be allowable independent claims.

Claims 4, 16, and 18 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 4, 16, and 18 recite "the preset parameter comprises a limit." The Examiner cites column 7, lines 49-64 of Joao et al. in support of the rejections. However, the preset parameters recited in Appellant's claims 4, 16, and 18 relate back to, and depend from, the features recited in claims 1, 11, and 13, namely "comparing an actual value (a) with a *preset parameter* at an account server, the preset parameter defined by the account holder" (emphasis added), which the Examiner states is taught by Camacho et al. on page 4, paragraph 42. However, as indicated above with respect to the rejections of claims 1, 11, 12, and 13, the preset parameters allegedly taught by Camacho et al. relate directly to *authentication of the requesting party.* Joao et al. teaches in column 7 that limits may be programmed into a communication device; however, Joao et al. is devoid of teaching a preset parameter comprising a limit as recited in Appellant's claims 4, 16, and 18. Accordingly, neither Camacho et al. nor Joao et al, either alone or in combination teach or make obvious Appellant's claims 4, 16, and 18. For at least these reasons, claims 4, 16, and 18 patentably define over Joao et al. in view of Camacho et al., and further in view of Stoutenberg et al.

Claims 5, 17, and 20 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 5, 17, and 20 recite "the preset parameter comprising a geographic region." The Examiner cites column 7, lines 49-64 in support of the rejections. However, the preset parameters recited in Appellant's claims 5, 17, and 20 relate back to, and depend from, the features recited in claims 1, 11, and 13, namely "comparing an actual value (a) with a *preset parameter* at an account server, the preset parameter defined by the account

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holder", which the Examiner states is taught by Camacho et al. on page 4, paragraph 42. However, as indicated above with respect to the rejections of claims 1, 11, 12, and 13, the preset parameters allegedly taught by Camacho et al. relate directly to *authentication of the requesting party*. Moreover, the relevant portions of Joao et al. teach in column 7 that geographic limits may be programmed into a communication device; however, Joao et al. is devoid of teaching a preset parameter comprising a geographic region as recited in Appellant's claims 5, 17, and 20. Accordingly, neither Camacho et al. nor Joao et al, either alone or in combination teach or make obvious Appellant's claims 5, 17, and 20. For at least these reasons, claims 5, 17, and 20 patentably define over Joao et al. in view of Camacho et al., and further in view of Stoutenberg et al.

Claim 6 should also be allowable as setting forth patentable subject matter in and of itself. Claim 6 recites "setting multiple parameters for contemporaneous use", which the Examiners states is taught by Joao et al. in column 7, lines 49-64. However, the parameters recited in Appellant's claim 6 relate back to, and depend from, the features recited in claim 1, namely "comparing an actual value (a) with a *preset parameter* at an account server, the preset parameter defined by the account holder", which the Examiner states is taught by Camacho et al. on page 4, paragraph 42. However, as indicated above with respect to the rejections of claims 1, 11, 12, and 13, the preset parameters allegedly taught by Camacho et al. relate directly to *authentication of the requesting party*. Moreover, the relevant portions of Joao et al. teach in column 7 that limits may be programmed into a communication device; however, Joao et al. is devoid of teaching multiple parameters for contemporaneous use as recited in Appellant's claim 6. Accordingly, neither Camacho et al. nor Joao et al, either alone or in combination teach or make obvious Appellant's claim 6. For at least these reasons, claim 6 patentably defines over Joao et al. in view of Camacho et al., and further in view of Stoutenberg et al.

Claims 15 and 19 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 15 and 19 recite "wherein the limit is a spending limit." The Examiner states that this feature is taught by Joao et al. in column 7, lines 49-64. However, the limit recited in Appellant's claims 15 and 19 relate back to, and depend from, the preset parameters recited in claims 4 and 18, respectively, which in turn, relate to and depend from the features recited in claims 1 and 13, namely "comparing an actual value (a) with a *preset parameter* at an account server, the preset parameter defined by the account holder", which

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the Examiner states is taught by Camacho et al. on page 4, paragraph 42. However, as indicated above with respect to the rejections of claims 1, 11, 12, and 13, the preset parameters allegedly taught by Camacho et al. relate directly to *authentication of the requesting party*. Joao et al. teaches in column 7 that limits may be programmed into a communication device; however, Joao et al. is devoid of teaching a preset parameter comprising a spending limit as recited in Appellant's claims 15 and 18. Accordingly, neither Camacho et al. nor Joao et al., either alone or in combination teach or make obvious Appellant's claims 15 and 18. For at least these reasons, claims 15 and 18 patentably define over Joao et al. in view of Camacho et al., and further in view of Stoutenberg et al.

CLAIM APPENDIX

1.   A method of providing information (Z) indicative of an account status to an account holder via a device connected to a network, comprising the steps of:

comparing an actual value (a) with a preset parameter at an account server, the preset parameter defined by the account holder;

deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity; and

providing the information (Z) to the account holder through the device, the device associated with the account holder;

wherein the information (Z) includes an account balance.

2.   Method according to claim 1 further comprising the steps of transmitting the information (Z) via the network and receiving the information (Z) by the account holder via the device.

3.   (Canceled)

4.   Method according to claim 1 wherein the preset parameter comprises a limit.

5.   Method according to claim 1, wherein the preset parameter comprises a geographic region.

6.   Method according to claim 1 further comprising the step of setting multiple parameters for contemporaneous use.

7.   Method according to claim 2, wherein the step of receiving the information (Z) comprises rendering the information (Z), the rendering including confirming a personal identification number assigned to the account holder.

8.   (Canceled)

9.   Method according to claim 2, wherein the step of receiving the information (Z)

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comprises requesting a password.

10.   Method according to claim 2, wherein the step of transmitting the information (Z) via the network and receiving the information (Z) by the account holder via the device comprises a wireless communication technique.

11.   A storage medium encoded with machine-readable program code for performing a method of providing information (Z) indicative of an account status to an account holder via a device connected to a network, the program code including instructions for causing a computer to implement a method comprising the steps of:

comparing an actual value (a) with a preset parameter at an account server, the preset parameter defined by the account holder;

deriving information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity; and

providing the information (Z) to the account holder through the device, the device associated with the account holder;

wherein the information (Z) includes an account balance of the account holder.

12.   A computer program product comprising program code means stored on a computer readable medium for performing an operation when said program product is run on a computer, said program code means comprising:

a comparator at an account server, the comparator operable for comparing an actual value (a) with a preset parameter, the preset parameter defined by the account holder;

an initiator for deriving information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account holder and a purchasing entity; and

an information output indicating the information (Z) to the account holder, information output associated with the account holder;

wherein the information (Z) includes an account balance of the account holder.

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13.   A system of providing information (Z) indicative of an account status to an account holder via a device connected to a network, the system comprising:

a comparator at an account server, the comparator operable for comparing an actual value (a) with a preset parameter, the preset parameter defined by the account holder;

an initiator for deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity; and

an information output indicating the information (Z) to the account holder, the information output associated with the account holder;

wherein the information (Z) includes an account balance of the account holder.

14.   The system according to claim 12, wherein the device is a mobile device.

15.   The method of claim 4, wherein the limit is a spending limit.

16.   The storage medium of claim 11, wherein the preset parameter is a limit.

17.   The storage medium of claim 11, wherein the preset parameter is a geographic region.

18.   The system of claim 13, wherein the preset parameter is a limit.

19.   The system of claim 18, wherein the limit is a spending limit.

20.   The system of claim 13, wherein the preset parameter is a geographic region.

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EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None

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CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 1, 2, 4-7 and 9-20 be overturned. The final rejection is in error and should be reversed. If there are any additional charges with respect to this Amended Appeal Brief, or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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